

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2009

Charles R. Fulbruge III
Clerk

No. 08-30071
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CARL GOLDEN

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:03-CR-206-3

Before WIENER, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Carl Golden has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Golden has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal in connection with the sentence imposed upon resentencing. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. Counsel's alternative motion to remand for a ruling on a certificate of appealability is DENIED. See *Pope v. MCI Telecommunications Corp.*, 937 F.2d 258, 266 (5th Cir. 1991).